

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

EXTENSION

NO.

Deputy Director, Office of External
Affairs

6 April 1983

STAT
STATTO: (Officer designation, room number, and
building)

DATE

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Attached are statements by Leahy and Moynihan on Nicaragua and the law on the Senate floor on 5 April. Also attached are Mr. Durenberger's positive comments on the retirement amendments and the need to maintain the Agency's systems.

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April 5, 1983

CONGRESSIONAL RECORD — SENATE

world broiler market was 37 percent in 1975-77 and 39 percent in 1982, while the U.S. share over the same period dropped from 31 percent to 20 percent.

When the Common Agricultural Policy for poultry and eggs was established in 1962, the Community was the world's largest importer of poultry and eggs. Today it is the largest exporter, producing beyond self-sufficiency and subsidizing the surplus into export, destabilizing the world market.

In the Middle East, U.S. broiler producers have lost markets to subsidized exports from the Community—and from Brazil, as Denman points out. The U.S. share dropped from as much as 13 percent in the early 1970s to one-tenth of one percent in 1982. In the same period, the EC and Brazilian share of this market increased dramatically and now accounts for virtually the entire trade. Despite negotiations on this inequity with the Brazilians and the Europeans, they continue to subsidize their poultry exports.

Some other specific examples of subsidized EC competition are:

U.S. egg sales in Egypt dropped from 7.7 million dozen in 1981 to 669,000 in 1982, largely on account of Community export subsidies of about 11.5 cents per dozen.

In wheat, Community exports have risen from a total of 1.2 million tons or 3 percent of world trade in 1970-71 to an estimated 12.5 million tons or 13 percent of trade in 1982-83, a year when U.S. wheat exports are expected to drop by almost 3 million tons.

Furthermore, Denman states that agricultural export subsidies were recognized as a fact of life during the Tokyo Round of trade negotiations. What he failed to add was that the Community succeeded in thwarting the efforts of the United States and other exporters to have the problem addressed squarely and solved during the trade negotiations.

The result was a vaguely worded Subsidies Code authorizing subsidized exports onto world markets if they don't take more than an "equitable share." Events have proved the code to be unworkable.

Just last month, trade negotiator Robert Strauss had this to say about the Community's use of subsidies: "There is no reason to let the European Community so subsidize its products that we can't compete in world markets. There is no reason in the world why we should let predatory trade practices destroy our markets. We should take action, and that is not protectionism."

At the GATT ministerial meeting last fall, which I attended, the Community stood alone among the assembled GATT member delegations in opposing mandated negotiations to come to grips with Denman's "fact of life"—to put teeth into the code. Faced with the Community's intransigence on export subsidies, the ministerial meeting deferred the issue by agreeing to a two-year study of the impact of national policies on trade.

So we are left with the Community-sanctioned Subsidies Code, which a recent GATT fact-finding panel on wheat flour agreed is not stringent or effective enough to define an "equitable share" of the market, let alone to compensate countries losing markets because of code violations.

No, the United States does not want the European Community to "get off" the world market, as Denman claims. We only want the Community to relieve the world market of its artificially high, surplus-producing farm support prices.

What the Community does at home is the Community's business, but when the cost is laid at the rest of the world's door, we blame the Community for that. That kind of policy is a "beggar thy neighbor" policy.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NICARAGUA: COMPLIANCE WITH THE BOLAND AMENDMENT

Mr. LEAHY. Mr. President, I rise to address an issue which has been much in the headlines of late: claims of U.S. political and military assistance to anti-Sandinista elements waging a guerrilla war against the regime in Managua. If one is to believe the detailed accounts in the press in recent days, the administration is actively supporting, and perhaps even guiding, a large-scale anti-Sandinista guerrilla movement now involved in open combat inside Nicaragua. From reported statements of some Sandinista leaders, the apparent—in fact, undisguised—aim of the military campaign is to overthrow the present Government of Nicaragua.

The Select Committee on Intelligence, as well as its House counterpart, has been concerned for a considerable period about U.S. activities in Central America, their nature, scope, and, above all, their purpose. Last fall, in our classified authorization of the intelligence community's budget, both committees of the House and Senate adopted report language designed to prohibit any U.S. military or other assistance to irregular groups aiming to overthrow the Nicaraguan Government or to provoke hostilities between Nicaragua and Honduras. During the consideration of the continuing resolution last December, the Intelligence Committee restrictive language was enacted into public law by both Houses under the so-called Boland amendment.

Drawing on the language of the classified fiscal year 1983 intelligence authorization, the Boland amendment states:

None of the funds provided in this act may be used by the Central Intelligence Agency or the Department of Defense to furnish military equipment, military training or advice, or other support for military activities, to any group or individual, not part of a country's armed forces, for the purpose of overthrowing the Government of Nicaragua or provoking a military exchange between Nicaragua and Honduras.

As the vice chairman of the Select Committee on Intelligence, the distinguished senior Senator and my friend from New York (Mr. MOYNIHAN), has recently pointed out, differing perceptions over the objective of U.S. activities in Central America have created "a crisis of confidence" between the Intelligence Committees and the intelligence agencies.

The Intelligence Committees have an obligation to remove this crisis of confidence and to assure the American people and our colleagues in the Congress that the law of the land is being obeyed. The issue cannot be allowed to fester, or can it simply be fought out in the press.

In January, I visited several countries in Central America. I was accompanied by nonpartisan expert staffs from the Select Committee on Intelligence. On my return, and with their assistance, I prepared a highly classified report for the committee. That report bears materially on the question of whether the executive branch is complying with both the letter and the spirit of the restriction placed on it by the Intelligence Committees and later adopted as an amendment to the fiscal year 1983 continuing resolution. I strongly urge all Senators to read that classified report. It is available to each Member of the Senate from the Intelligence Committee on their request. If Senators want to be able to put in context the news reports they are reading, they really should review this report. It will help them make up their minds on this extremely important issue.

Mr. President, the Senate Select Committee on Intelligence has already held hearings with senior officials from the executive branch on the question of compliance with the law. It is my understanding that the chairman has scheduled an additional hearing on the subject after receiving a request for such a hearing from the vice chairman. I support this ongoing oversight activity.

What we are dealing with here is not a partisan issue of whether the administration's Central American policy is right or wrong. The question is whether it is within the letter and the spirit of the law.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, I rise to express appreciation to my learned and distinguished friend, the Senator from Vermont, and to confirm, if that could be thought necessary, that there is, indeed, available to each Member of the Senate in the quarters of the Select Committee on Intelligence the report of Senator LEAHY's visit to Central America. It is as detailed and specific and persuasive a document as I have seen produced by the committee in what is getting to be the seventh year in which I have been a member. It is a document that was produced pursuant to law.

Mr. President, this is not a partisan issue; this is an issue of law. Since September of last year, it has been against the law to use any funds to overthrow the Government of Nicaragua. No one appreciates more the fact that the present regime in Managua is quickly going the way of other totalitarian regimes. No one who observed how the Sandinistas treated the Pope on his

recent trip to that land can doubt otherwise. Indeed, just this past week the Government refused to allow the church to broadcast, over the church's own station, Easter week services without prior censorship.

May I say to my good friend, as well as to the Senate, that what he knows—and perhaps we all ought to be reminded of this—is that there is a specific obligation on the part of the United States, as on, indeed, all signatories to the Charter of the Organization of American States, to behave precisely as our most recent statute provides.

Nevertheless, Mr. President, the law is the law. Not only does the Boland amendment proscribe the use of funds to overthrow the Sandinista government, but our Nation is solemnly bound by treaty to refrain from such action. The OAS Charter clearly provides that:

No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the State or against its political, economic and cultural elements.

Mr. President, the Select Committee on Intelligence will be holding another hearing on this issue in the week to come. Specifically, April 12, 1983. I might add that this is only a continuation of the oversight we have continually exercised regarding intelligence activities in Central America. Indeed, I dare say that a good 25 percent of the committee's time has involved reviewing intelligence programs in that area. As Senator LEAHY's trip report makes abundantly clear, the committee has been more than diligent in tending to its responsibilities. The concern we have is not with what we don't know, but with what we do know. In this regard, I want every Senator to know that, should he or she so desire, the staff of the select committee is available to brief any Senator on this issue.

Mr. President, as it has happened, perhaps inevitably so, this matter has become the subject of public debate. However, this remains a sensitive and delicate issue and we shall treat it accordingly. Moreover, we shall—and must—continue to insure that our intelligence programs comport with the laws and stated principles of this Nation.

That treaty was signed on April 30, 1948, in Bogotá, if memory serves. It entered into effect December 13, 1951, when the 14th instrument of ratification was deposited with the Secretariat by Colombia.

The fact that Nicaragua is violating this provision of the OAS Charter—despite the fact that it is a founding member—should come as no surprise to those of us who have watched the development of Marxist-Leninist domination in that Government. That fact, however, does not absolve any other country of its obligations under the

treaty. As we are a government of laws at home, we would hope to be a government of laws in the hemisphere, and be bound by our own commitments.

I should like to say further, and to confirm Senator LEAHY's points, that the Select Committee on Intelligence will meet on Tuesday, April 12. By that time, our chairman will have returned—he is unavoidably in Arizona this week—and we will continue our briefings.

Once again, this is an opportunity to express in public what we heretofore have been able to express only in private, which is the gratitude of the committee for the 18-hour days which the Senator from Vermont put in, in a very difficult and demanding task. Having just gone through that effort, he could very well have considered being discharged of any further responsibility, but then he came back and wrote it up, which is the beneficial consequence of the good training of Vermont prosecutors, I suppose.

Mr. LEAHY. Mr. President, if the Senator will yield, I must say that I appreciate the help of our distinguished vice chairman in this matter. Having him in that position has been of great aid to the committee, with his background as Ambassador to India and Ambassador to the rest of the world at the United Nations.

He knows better than anybody else in this body how difficult it would be if all 535 Members of Congress were to try to determine what the foreign policy of the United States should be, especially if all of us were to feel differently.

However, he realizes, as do I, that the law is the law. We may or may not like the law. We may or may not agree with a law. But if it is on the books, it is the duty of the Executive to enforce it; and it is the duty of Congress, in its oversight function, to make sure that it is being enforced. If we determine that a law is not to our liking, then it is also our privilege—many would say our duty—perhaps to change it.

In the meantime, this is a matter of great concern to my constituents in the State of Vermont and, I suspect, from talking with Senators around the country, to constituents everywhere. We do have an obligation to determine how the law is being followed.

We also have the ability, because of the leadership of both Senator MOYNIHAN and Senator GOLDWATER in the Intelligence Committee, and with the work that has been done by the very professional and nonpartisan staff, to know exactly what is going on. I think that, as Senators, we all should avail ourselves of the opportunity to be fully informed. I think that is what the public expects. It is what our duties entail. I think it is what we should do.

Mr. President, if no other Senator wishes to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DARKNESS AT NOON

Mr. PROXMIRE. Mr. President, Arthur Koestler recently died. Mr. Koestler will be long remembered for having written an extraordinary novel "Darkness at Noon" which paints a chilling picture of the totalitarian mind at work.

In the novel, an old Bolshevik is trapped by his own belief in historical inevitability. He believes that Karl Marx identified immutable laws of history and traced their workings. The Soviet state is on the right side of history and its opponents are therefore always wrong. His captors, once his comrades, use this belief to break his resistance. They remind him that it is his duty not to resist the state but to help. Faced with this reasoning, the old Bolshevik confesses to crimes he never committed and goes quietly to his execution.

The belief that history is on their side seems to be a necessary part of totalitarian ideology. Hitler was convinced his Reich would last 1,000 years. Communist governments use the end to justify the means. Under this ideology, the individual is merely a replaceable part of a much more important machine, which will continue running on a set course no matter what happens to the individual.

This potent combination of beliefs can result in men committing acts of terrible ferocity—even genocide. The idea that an individual counts for little implies that the individual's rights do not have to be respected. The idea of historical inevitability can lead men to turn a blind eye toward cruelties that otherwise would be denounced. If these beliefs are mixed with the envy or hatred of a racial, ethnic, or religious minority, that minority can find itself being led to the ovens.

Mr. President, I am proud to say that the United States rejects the beliefs of totalitarian ideology. In this country, the rights of the individual are protected by the fundamental law of the land. We need to take one more step, however, and reify the Genocide Convention. This treaty will help extend to the world the values we hold most dear.

CAN THE NUCLEAR FREEZE STAND UP TO ITS CRITICS?

Mr. PROXMIRE. Mr. President, the nuclear freeze movement and its critics have stumbled into difficulty because the freeze advocates failed to make clear from the beginning that

Inflation

Opponents of indexing claim that, if taxpayers are protected from the harmful effects of inflation induced bracket creep, the resolve to fight inflation will weaken. Indexing supporters counter that the reverse is true. Without indexing, the government has an incentive to encourage inflation since it receives the tax windfall from bracket creep. Indexing takes away this incentive by eliminating the windfalls.

CONCLUSION

Indexing provides, at long last, a tax break for the little guy. It introduces an extraordinary measure of fairness into the U.S. tax system. Indexing also preserves the integrity of the American democratic process. It means that if Congress desires higher taxes, each member must go on record and vote to increase taxes openly and deliberately. No longer can Congress depend on the subterfuge of bracket creep to raise taxes silently.

Indexing does not mandate a level of government spending nor does it freeze revenues at a specific level. It is simply a procedural reform to guarantee tax honesty by the nation's legislature. The integrity of American democratic institutions and elementary notions of fairness are at stake.

Yet some Republicans and Democrats want to eliminate indexing—ironically, in the name of fairness. But is it fairness when tax rates once reserved for the rich are imposed on middle- and even lower-income taxpayers? Is it fair that the federal government gains from inflation at the expense of those American working men and women least able to pay? Is it fair that Congress can raise taxes without recording a vote? Is it fair that Congressmen claim credit for cutting taxes when they are simply returning some of the revenue bonus from the inflation tax? Of course not. If Congress repeals indexing, it will overturn one of the fairest and most beneficial tax reforms in recent U.S. history. The little guy needs a tax break. Congress and President Reagan gave it to him in 1981. It would be unfair for Congress to take it back.

RECOGNITION TO CALIFORNIA
REPUBLICAN ASSEMBLY

Mr. WILSON, Mr. President, I would like to enter into the Record a testimonial on a very distinguished occasion, the 50th anniversary in my home State of the California Republican Assembly.

CRA celebrates its golden anniversary this week on April 9, a half century of grassroots involvement at all levels and testimony to the fact that if concerned men and women get together they can impact their government and their lives.

CRA and its 50-year involvement is in the best tradition of American politics. These people have given their time and energies to their cause because they are devoted to and believe in America. They are more than just concerned about the direction of the country; they actually get involved and try to affect change.

Twenty of the 25 past CRA presidents will be gathered together this coming Saturday for this very special day to celebrate what will surely be only a half-way point in a century of service to the country. I will celebrate

this special occasion with them. As all of California celebrates with them.

BERNARD E. HANUS RETIRES

Mr. LEVIN, Mr. President, I would like to take this opportunity to pay tribute to a longtime friend, Bernard E. Hanus, who is retiring as the director of administration of the Wayne County Board of Commissioners. Bernie is retiring after an impressive 31 years with Wayne County government in my home State of Michigan.

In 1952, Bernie left Ford Motor Co. to enter county service as a clerk in the Office of Board of Supervisors; 2 years later, he was appointed to the position of administrative assistant. Moving up the ladder of Wayne County governmental responsibility, he held the positions of administrative analyst, assistant committee clerk, and committee clerk before stepping in as director of administration 13 years ago. Bernie has also served as a member and chairman of the Detroit Wayne joint building authority since 1974.

A native of the Detroit area, Bernie is a graduate of the University of Detroit and has done postgraduate work at Wayne State University. He was also an associate of urban affairs at the National Institute of Public Affairs. He served in the U.S. Army.

In addition to Bernie's contributions to Wayne County government, he has been actively involved in both educational and professional organizations. He has served as member and president of Our Lady Queen of Peace Roman Catholic school board. He is a life member of AMVETS Post No. 33 and has previously served as post commander. Bernie has also found time to sit on the board of directors for the Wayne County Employee's Credit Union. Bernie's retirement will provide him with additional time to devote to his interests in travel, continuing adult education, reading, volunteer activities, and his family—his wife, Beverly, and their five children and two grandchildren.

Throughout his government career, Bernard E. Hanus has exemplified the characteristics of an effective public servant—diligent, concerned, innovative, and involved. I am pleased to pay this tribute to Bernard E. Hanus of Wayne County, Mich., and congratulate him on a successful government career.

RETIREMENT PROGRAMS FOR
THE INTELLIGENCE COMMUNITY

Mr. DURENBERGER, Mr. President, when we debated the Social Security Amendments of 1983, we were well aware of the concerns expressed by Federal workers. Much of that concern should be allayed by the provision that:

Nothing in this Act shall reduce the accrued entitlement to the future benefits

under the Federal retirement system of current and retired Federal employees and their families.

Even with this provision, it is essential for each Member of this body to reassure Federal employees of our commitment to insuring their retirement income. The Governmental Affairs Subcommittee on Civil Services, Post Office, and General Services, under the able leadership of the assistant majority leader, will soon address the need to restructure Federal retirement systems affected by this act.

Mr. President, when the full Governmental Affairs Committee considers Federal retirement plans, the committee must be especially sensitive to the need to maintain the integrity of retirement systems for our intelligence personnel. Intelligence is truly the first line of defense for our country, and we cannot afford to let it deteriorate.

Our intelligence officers must always be the cream of the crop. They need skills in foreign languages and cultures; knowledge of political, economic, and military affairs; administrative ability; and often both mental and physical stamina. The Government cannot offer top salaries even to such highly skilled people. We rely largely on their sense of duty.

A major inducement to these people, Mr. President, is the ability to take early retirement in time to have a second career. Retirement at age 55 with 30 years service—or at age 50 with 20 years service, for most overseas employees of the CIA—is a crucial incentive to top-flight personnel who could easily make more money outside the Government.

Early retirement serves other purposes as well. It enables our intelligence agencies to bring in new blood. It lets them give promotions to younger personnel who have the drive and energy that the exhausting world of intelligence demands. Age brings wisdom, but our intelligence agencies also need hustle. They need early retirement systems—including the CIARDS system for CIA's overseas personnel—to keep performing the difficult and crucial tasks that America entrusts to them.

Mr. President, it is too early to say exactly what a restructured Federal retirement system will look like. But I can assure the fine men and women of our intelligence community that my service on the Select Committee on Intelligence has made me well aware of how much we depend upon them. I am determined that they, in turn, will be able to depend upon us.

A BANKER'S VIEWPOINT

Mr. RIEGLE, Mr. President, Howard L. Gay is vice chairman of the Citizens Commercial & Savings Bank of Flint, Mich. Over the years he has done a considerable amount of thinking and writing about the American